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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,169

07/23/2003

Reinhard Wittwer

BM-134

9708

7590

05/18/2005

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Suite 910
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EXAMINER

GALL, LLOYD A

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,169

Applicant(s)

WITTWER ET AL.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 17, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's election with traverse of the species of figures 1-8 in the reply filed on February 14, 2005 is acknowledged. The traversal is on the ground(s) that the species 2 is of identical construction. This is found to be persuasive, and claims 7-9 will also be examined.

The requirement is still deemed proper and is therefore made FINAL.

Claims 10-16 and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on February 14, 2005.

The disclosure is objected to because of the following informalities: On page 20, line 15, it appears that --49-- should follow "coil".

Appropriate correction is required.

Claims 17 and 20 are objected to because of the following informalities: In claim 17, line 1, "claims" should read --claim--. In claim 20, line 1, "claims" should read --claim--. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolter (877).

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Wolter teaches a locking system including a rotor device 4 and key for driving authorization, the rotor defining an actuator and having a switch for controlling the engine, an actuator blocking element 21, a locking bar 11, 30, a locking bar blocking element 23, wherein a connection element defined by the lever 18 connects the actuator blocking element 21 and locking bar blocking element 23, the blocking element 21 and blocking element 23 being rendered reversibly active and inactive with a notch 31 and shoulder 29 on the locking bar as seen in fig. 5 and with a contour of the key rotor as seen in figs. 6-9. The system also includes a stator. The key defines a handle for turning the rotor 4.

Claims 1-6 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by the German reference (860).

The German reference teaches a key actuated rotor 8 used with a locking bar 15, and a locking bar blocking element 16 cooperable with a notch 19 in the locking bar, and an actuator blocking element 11 used with the actuator 9 and rotor 8, wherein the blocking elements 16, 11 are reversibly used in active and inactive states and are connected by a cable 4. The key is used as a handle for rotating the rotor.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wolter (877) or the German reference (860), in view of Goto et al (295). Goto et al teaches a mobile part 1, 2 of a key to be decoded by a stationary part 5 of the locking system and an anti-pullout feature as set forth in column 4, lines 23-25 and 62-67. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a mobile part, decoder and anti-pullout feature with the lock of Wolter or the German reference (860), in view of the teaching of Goto et al, the motivation being to optimize resistance against unauthorized actuation of the ignition switch of Wolter or the German reference (860).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Wolter (877) or the German reference (860), in view of Arman. Arman teaches stationary and movable contacts used with an ignition switch as seen in figs. 16 and 17. It would have been obvious to utilize stationary and movable contacts with the ignition switch of Wolter or the German reference (860), in view of the teaching of Arman, the motivation being to ensure that the ignition is not actuated until a proper key is properly used therewith.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the German reference (860) in view of Suzuki (848). Suzuki teaches a motor 38 and gearing 40 used to retract a locking bar 32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a motor with gearing for the locking bar actuating elements 20, 22 of the

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German reference (8600, in view of the teaching of Suzuki, the motivation being to ensure proper engagement therebetween for retracting the locking bar.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
May 13, 2005


Lloyd A. Gall
Primary Examiner